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5-12₂**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Kalush et al.

Art Unit: 1646

Serial No.: 09/768,185

Examiner: J. Murphy

Filed: Jan. 24, 2001

Atty. Docket: CL000280

For: ESTROGEN RECEPTOR BETA
VARIANTS AND METHODS OF DETECTION
THEREOF

**Response to Restriction Requirement and
Preliminary Amendment**

Assistant Commissioner for Patents
Washington, D.C. 20231

By Facsimile

Sir:

This is in response to the Office Action mailed March 15, 2002 in which a restriction requirement was issued for the above referenced application. Please charge the petition for a one-month Extension of Time to Deposit Account 50-0970.

In the restriction requirement, the Examiner requests the election of nucleic acids wherein the nucleic acid encodes ONE of the amino acid sequences listed in Figure 2. In response to the Examiner's request, Applicants hereby elect group XXXII-XLVIII, claims 4-11, 15, directed to nucleic acids encoding a polypeptide, complementary nucleic acids, vectors, host cells, and methods of producing polypeptides recombinantly, for examination and have canceled claims corresponding to the non-elected groups I-XVI, XVII-XXXII, XLIX-LXIV, LXXXI-LXXXXVI.

In the Claims:

Please cancel claims 1-17 and please add the following new claims 18-36:

18. An isolated nucleic acid molecule comprising 20 contiguous nucleotides of SEQ ID NO:1 and further comprising an alteration, wherein said alteration is selected from the group consisting of T at position 89837, G at position 154202, A at position 154431, and G at position 160052.

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